

From: Calvin
To: Microsoft ATR
Date: 1/28/02 4:22am
Subject: Microsoft Settlement

I am opposed to the settlement agreement reached between the United States Justice Department and Microsoft to settle the antitrust case won by the United States of America.

The settlement will not increase competition in any market where Microsoft has a major offering. In markets where it has a monopoly, such as operating systems and business applications, it will only serve to strengthen its monopoly. This reduces competition in other markets where Microsoft may choose to compete because of the advantage the monopoly provides.. This is what the Antitrust act was created to prevent.

Nothing in the agreement will insure that other companies or individuals will have an equal opportunity to bring improved products to market because Microsoft will still control the operating system, the business applications and now, the browser. Improvements in web development can be stifled by Microsofts bundling of the browser to eliminate competition in that market. Future bundling or application tying is not covered in the settlement if it is not related to an OEM contract.

In particutlar, web developers are now beholden to Microsoft to insure their software and services will work on most computers. At a whim, Microsoft can easily disable those developers offerings if it wants to offer its own services or products by simply modifying the browser, operating system, or business applications to give a preference to the Microsoft offering. Microsoft can do this after an OEM sale of its operating system when XP or future operating systems must register and receive an authorization so that they will function.

By the time legal action can be taken against Microsoft to prevent this activity, the damage to competing companies and individuals is already done. Not unlike what happened to Netscape after Microsoft tied Internet Explorer to its operating system.

Additionally, Microsoft was found guilty of violating the Sherman Antitrust Act. The settlement contains no punishment for Microsofts illegal behavior. If this crime has no punishment, why is it a law? If Microsoft violates the settlement agreement, it will only result in further litigation, but not in any punishment.

I believe a much harsher penalty, such as breaking the company into smaller competing companies to increase competition in the market would provide a much better remedy to Microsofts illegal behavior and would benefit the economy generally by increasing competition.

Thank you for your consideration.

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